

## UNITED STATES DISTRICT COURT

for the

District of Rhode Island

2018 MAY -1 P 12: 50

In the Matter of the Search of )

(Briefly describe the property to be searched  
or identify the person by name and address) )The contents of any computer, computer tablet, or  
electronic media storage devices found therein )

Case No.

U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

1:18MJ163PAS

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search  
of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_ Rhode Island  
(identify the person or describe the property to be searched and give its location):

The contents of any computer, computer tablet, or electronic media storage devices found therein.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property  
described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B.

YOU ARE COMMANDED to execute this warrant on or before May 15, 2018 (not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the  
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the  
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory  
as required by law and promptly return this warrant and inventory to \_\_\_\_\_

Lincoln D. Almond

(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.  
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose  
property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued:

May 1, 2018

12:30 PM

City and state:

Providence, Rhode Island

Judge's signature

Patricia A. Sullivan

Lincoln D. Almond, U.S. Magistrate Judge

Printed name and title

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

**Return**

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*

**ATTACHMENT A**

**DESCRIPTION OF ITEMS TO BE SEARCHED**

The items to be searched include:

- A. a red backpack belonging to Christopher Kinney, seized from Twigg's Automotive;
- B. a red Craftsman tool box belonging to Christopher Kinney, seized from Twigg's Automotive;
- C. The contents of any computer, computer tablet, or electronic media storage devices found therein.

**ATTACHMENT B**  
**DESCRIPTION OF INFORMATION TO BE SEIZED**

- I. All records, in whatever form, and tangible objects that constitute evidence, fruits, or instrumentalities of attempted enticement of a minor, in violation of 18 U.S.C. § 2422(b), distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2), and possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B), including:
- A. Records and tangible objects pertaining to the following topics:
1. Obscene materials;
  2. Child pornography and child erotica.
  3. Communications with minors or others having access to minors that relate to the persuasion, inducement, enticement or coercion of a minor to engage in sexual activity for which any person could be charged with a criminal offence.
- B. For any electronic media storage device, computer hardware, computer software, computer-related documentation, or storage media called for by this warrant or that might contain things otherwise called for by this warrant ("the computer equipment"):
1. evidence of who used, owned, or controlled the computer equipment;
  2. evidence of computer software that would allow others to control the items, evidence of the lack of such malicious software, and evidence of the presence or absence of security software designed to detect malicious software;
  3. evidence of the attachment of other computer hardware or storage media;
  4. evidence of counter forensic programs and associated data that are designed to eliminate data;
  5. evidence of the times the computer equipment was used;
  6. passwords, encryption keys, and other access devices that may be necessary to access the computer equipment;
  7. records and tangible objects pertaining to accounts held with companies providing Internet access or remote storage of either data or storage media; and
  8. evidence indicating the computer user's state of mind as it relates to the crime under investigation.

- II. All computer hardware, computer software, computer-related documentation, and storage media.

### DEFINITIONS

For the purpose of this warrant:

- A. "Computer equipment" means any computer hardware, computer software, computer-related documentation, storage media, and data.
- B. "Computer hardware" means any electronic device capable of data processing (such as a computer, smartphone, cellular telephone, or wireless communication device); any peripheral input/output device (such as a keyboard, printer, scanner, monitor, and drive intended for removable storage media); any related communication device (such as a router, wireless card, modem, cable, and any connections), and any security device, (such as electronic data security hardware and physical locks and keys).
- C. "Computer software" means any program, program code, information or data stored in any form (such as an operating system, application, utility, communication and data security software; a log, history or backup file; an encryption code; a user name; or a password), whether stored deliberately, inadvertently, or automatically.
- D. "Computer related documentation" means any material that explains or illustrates the configuration or use of any seized computer hardware, software, or related items.
- E. "Storage media" means any media capable of collecting, storing, retrieving, or transmitting data (such as a hard drive, CD, DVD, or memory card).
- F. "Data" means all information stored on storage media of any form in any storage format and for any purpose.
- G. "A record" is any communication, representation, information or data. A "record" may be comprised of letters, numbers, pictures, sounds or symbols.
- H. "Obscene material" is any image or video representation containing material which the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; depicts in a patently offensive way, sexual conduct and taken as a whole, lacks serious literary, artistic, political, or scientific value such as patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, patently offensive representation or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.

# UNITED STATES DISTRICT COURT

for the  
District of Rhode Island

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

The contents of any computer, computer tablet, or  
electronic media storage devices found therein

Case No.

1:18MJ143PAS

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):  
The contents of any computer, computer tablet, or electronic media storage devices found therein.

located in the \_\_\_\_\_ District of \_\_\_\_\_ Rhode Island \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):  
See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 2422(b);	Attempted enticement of a minor;
18 U.S.C. § 2252(a)(2); &	Distribution of child pornography; &
18 U.S.C. § 2252(a)(4)(B).	Possession of child pornography.

The application is based on these facts:  
See the attached Affidavit of Detective Adam J. Houston of the Rhode Island State Police ("RISP").

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date:

May 1, 2018

City and state: Providence, Rhode Island

Applicant's signature

Detective Adam J. Houston - RISP

Printed name and title

Judge's signature

Patricia D. Sullivan  
Lincoln D. Almond, U.S. Magistrate Judge

Printed name and title

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1. evidence of who used, owned, or controlled the computer equipment;
  2. evidence of computer software that would allow others to control the items, evidence of the lack of such malicious software, and evidence of the presence or absence of security software designed to detect malicious software;
  3. evidence of the attachment of other computer hardware or storage media;
  4. evidence of counter forensic programs and associated data that are designed to eliminate data;
  5. evidence of the times the computer equipment was used;
  6. passwords, encryption keys, and other access devices that may be necessary to access the computer equipment;
  7. records and tangible objects pertaining to accounts held with companies providing Internet access or remote storage of either data or storage media; and
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- H. "Obscene material" is any image or video representation containing material which the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; depicts in a patently offensive way, sexual conduct and taken as a whole, lacks serious literary, artistic, political, or scientific value such as patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, patently offensive representation or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.



**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION FOR SEARCH WARRANT**

I, Adam J. Houston, being duly sworn, depose and state as follows:

**INTRODUCTION**

1. I am a Detective with the Rhode Island State Police (RISP) and have been so employed for approximately nine (9) years. I am also a cross-designated Title 19 Task Force Officer with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI) and have been so for approximately three (3) years. I am currently assigned to the Computer Crimes Unit within the Rhode Island State Police Detective Division (RISP CCU) and I am a member of the Rhode Island Internet Crimes Against Children (ICAC) Task Force.

2. As such, I am responsible for investigations involving the production, importation, advertising, receipt and distribution of child pornography that occur in the state of Rhode Island. I have specific training and experience in the investigation of computer-related crimes. I have received training through the Department of Homeland Security, Department of Justice and Rhode Island State Police, in the areas of child pornography and child sexual exploitation, in violation of 18 U.S.C. § 2252. I have observed and reviewed examples of child pornography, as defined by 18 U.S.C. § 2256, in all forms of media, including computer media. As a Title 19 Task Force Officer, I am authorized to investigate violations of the United States and I am authorized to execute warrants issued under the authority of the United States.

3. I am currently participating in an investigation relating to violations of federal law by Christopher Kinney (Kinney), born in 1974, for attempted enticement of a minor, in violation of 18 U.S.C. § 2422(b), distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2), and possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B). I submit this affidavit in support of an application to search:

- a. a red backpack belonging to Christopher Kinney, seized from Twigg's Automotive;

- b. a red Craftsman tool box belonging to Christopher Kinney, seized from Twigg's Automotive;
- c. The contents of any computer, computer tablet, or electronic media storage devices found therein.

4. The statements in this affidavit are based on information personally known to me and also provided by other individuals and law enforcement agents.

#### **BACKGROUND OF THE INVESTIGATION AND PROBABLE CAUSE**

5. On March 30, 2018, an individual from Warren, Rhode Island responded to the barracks to report a co-worker, whom he identified as Christopher Kinney, DOB: YOB: 1974, (hereinafter "Kinney") of 631 Metacom Avenue, Warren, Rhode Island began talking to him through the online social media website, Facebook. The individual advised that Kinney (Facebook identification number 100009634308113) began communicating with him through Facebook, after making casual conversation at their mutual place of employment. The individual advised that when he observed Kinney's Facebook page he found it to have a lot of disturbing images and conversations about young children. Additionally, the individual showed officers images on Kinney's Facebook page depicting topless juvenile females wearing diapers. The individual also advised that Kinney had recently moved a drug-dependent woman with several kids into his home and that Kinney had made statements that he wanted to adopt a five (5) year-old girl.

6. Checks of law enforcement databases revealed Kinney was investigated by the Rhode Island State Police twice for child molestation and was an involved participant in a Warren Police Department incident for alleged child abuse. Additionally, contact with the Rhode Island Department of Children Youth and Families (DCYF) regarding Kinney established that he had applied in October 2017 to be a foster parent, but was denied in March 30, 2018 for several reasons, one being his cohabitant Jane Doe,<sup>1</sup> YOB: 1990 was

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<sup>1</sup> Jane Doe is used to protect the identity of Kinney's actual cohabitant and the identities of her children.

currently being investigated by DCYF for several issues involving her children. DCYF advised that Kinney could appeal the decision and could be granted foster parent status if Jane Doe moved out of his residence.

7. Your affiant conducted a review of Kinney's Facebook profile (identification number 100009634308113). The aforementioned Facebook profile has the display name of "Chris Kinney" and has a picture of several stacked diapers with a baby's pacifier resting on top. On Chris Kinney's timeline, there are several posts about children wearing diapers. In addition, in the "About" section of the Facebook profile revealed several "Likes." Your affiant knows from education, training and experience that when a Facebook user "Likes" a page, the default setting is that they also follow the page. As a result, the liked Facebook page posts will appear on the users personal Facebook feed. Your affiant reviewed Chris Kinney's "Likes" which included, but were not limited to, "Child discipline", "Bring back the belt people" and "Children need discipline."

8. Based on this information your affiant initiated an undercover investigation. While acting in an undercover capacity, portraying myself as a fourteen (14) year-old female, your affiant made a friend request to Kinney on April 16, 2018, which Kinney accepted on the same day. On the same date, Kinney contacts your affiant, a person whom he believes to be a 14-year-old female through Facebook messenger. The chat communications set forth below are quoted verbatim, including any misspellings and grammatical errors. The dates and times of the messages are in parenthesis:

*Chris Kinney: Hello do you wear diaper or get spanked by your parent (April 16, 2018, at 12:19 PM)*

*Undercover: Well my mom def spanked me (April 16, 2018, at 12:25 PM)*

*Chris Kinney: Ok bare bottom (April 16, 2018, at 12:26 PM)*

*Undercover: yea ☺ (April 16, 2018, at 12:26 PM)*

*Chris Kinney: Ok (April 16, 2018, at 12:27 PM)*

*Undercover: sorry im kind of shy about the whole thing... (April 16, 2018, at 12:27 PM)*

*Chris Kinney: Ok (April 16, 2018, at 12:27 PM)*

*Chris Kinney: I have a daughter that get spanked too and also wear diaper still (April 16, 2018, at 12:28 PM)*

Undercover: well im 14 and my mom has spanked me recently..but i dont wear a diaper. not opposed to trying tho (April 16, 2018, at 12:29 PM)

*Chris Kinney: So you would try a diaper on (April 16, 2018, at 12:30 PM)*

Undercover: depends...i may try it...ill try anything once (April 16, 2018, at 12:30 PM)

*Chris Kinney: Ok cool (April 16, 2018, at 12:31 PM)*

*Chris Kinney: If you had a choice of a spanking or wearing a diaper as a punishment while one would you take (April 16, 2018, at 12:33 PM)*

Undercover: well i havent worn a diaper since i was a baby so i prob would say spanking (April 16, 2018, at 12:33 PM)

*Chris Kinney: Ok (April 16, 2018, at 12:34 PM)*

*Chris Kinney: What did you get spanked for last (April 16, 2018, at 12:35 PM)*

Undercover: im always getting in trouble tbh, its just me and my mom and she is never around so, i honestly dont remember exactly (April 16, 2018, at 12:36 PM)

*Chris Kinney: Ok I'm a single dad too (April 16, 2018, at 12:37 PM)*

Undercover: cool (April 16, 2018, at 12:39 PM)

Undercover: u into younger? (April 16, 2018, at 12:39 PM)

*Chris Kinney: What do you mean (April 16, 2018, at 12:41 PM)*

Undercover: oh i just figured u were into younger girls because of my age (April 16, 2018, at 12:43 PM)

Undercover: sorry if i offended u (April 16, 2018, at 12:43 PM)

Undercover: ☺ (April 16, 2018, at 12:43 PM)

Undercover: ? gues not (April 16, 2018, at 12:48 PM)

*Chris Kinney: Yes I have a daughter two year younger than you (April 16, 2018, at 12:51 PM)*

*Chris Kinney: She get spanked too (April 16, 2018, at 12:51 PM)*

Undercover: cool, does she like it? (April 16, 2018, at 12:53 PM)

*Chris Kinney: Like what (April 16, 2018, at 12:53 PM)*

Undercover: getting spanked (April 16, 2018, at 12:54 PM)

*Chris Kinney: no she will sometime ask if she can wear a diaper a as punishment (April 16, 2018, at 12:54 PM)*

Undercover: do u spank hard (April 16, 2018, at 12:55 PM)

*Chris Kinney: Yea I do (April 16, 2018, at 12:55 PM)*

Undercover: i think i owuld choose the diaper then lol (April 16, 2018, at 12:56 PM)

*Chris Kinney: Then get put in the corner with her pants down (April 16, 2018, at 12:56 PM)*

9. The conversation continues between "Chris Kinney" and your affiant through Facebook messenger. Kinney continues to talk about his fascination with diapers and asks if your affiant, a person whom he believes to be a 14-year-old female, would wear a diaper. Additionally, when asked how he disciplined his 12-year-old daughter, the suspect states, "Well it pants off and panties off spanking then get put in the corner with her pants /panties off when get put in a diaper for the rest of the day (April 16, 2018, at 1:53 PM)." The suspect then states, "And some time a pacifier too in her mouth while in corner (April 16, 2018, at 1:55 PM)." Your affiant then asked the suspect, "do u take pics? (April 16, 2018, at 1:55 PM)" The suspect responds by stating, "Sometime (April 16, 2018, at 1:55 PM)."

10. The suspect continues to talk to your affiant, a person whom he believes to be a 14-year-old about discipling children by forcing them to wear diapers. On April 16, 2018, at 2:39 PM, the suspect sends your affiant an image depicting a juvenile female standing next to her bed. The juvenile is facing backwards with her pants and underwear are pulled down to her ankles, and she is wearing a diaper. The suspect responds to the image by stating, "Here a girl got put in a diaper as a punishment (April 16, 2018, at 2:40 PM)." When asked if he (the suspect) put the diaper on himself, the suspect states, "Yes (April 16, 2018, at 2:42 PM)" and "She got a spanking too (April 16, 2018, at 2:43 PM)."

11. Your affiant knows from education, training and experience that those who have demonstrated an interest or preference in sexual activity with children will attempt to “groom” them through conversation. Your affiant knows that child grooming is a behavior that is a characteristic of pedophilia. Furthermore, your affiant knows that child grooming serves to befriend and establish an emotional connection with a child, and sometimes the child’s family, to lower the child’s inhibitions to engage in sexual activity constituting child sexual abuse.

12. The suspect begins his child grooming activity through Facebook messenger on April 16, 2018, by asking your affiant, a person whom Kinney believes to be a 14-year-old girl, “Do you have any brother or sister (April 16, 2018, at 2:44 PM),” and “Does Mom have a boyfriend (April 16, 2018, at 2:44 PM).” He then asks if your affiant has a boyfriend. The suspect then states, “If there anything you want to talk about we can (April 16, 2018, at 2:48 PM)” and “Have you ever done anything (April 16, 2018, at 2:49 PM)” “With a guy or boy (April 16, 2018, at 2:50 PM).” After advising the suspect that your affiant, a person whom he (the suspect) believes to be a 14-year-old girl was a virgin, the suspect responds by stating, “Good (April 16, 2018, at 2:50 PM)” and that he liked that. Additionally, the suspect asks, “Does your mom spank you over her knee or over the side of the bed (April 16, 2018, at 2:52 PM).”

13. On April 18, 2018, the conversation between the suspect and your affiant continues through Facebook messenger. The suspect asks your affiant, “Did you get a spanking lately (April 18, 2018, at 9:07 AM)” and states, “I miss you yesterday (April 18, 2018, at 9:09 AM)” and, “Have you been thinking about the diaper (April 18, 2018, at 9:10 AM).” The suspect then asks your affiant to talk to your affiant’s mother about putting a diaper on your affiant. The suspect states that, “I would feel better if your mom was there too (April 18, 2018, at 9:25 AM)” and, “Well i could talk to her about a different punishment that would work for you (April 18, 2018, at 9:28 AM).” After advising the suspect that it wasn’t a good idea, the suspect persists and states, “Even if she didn’t have to spank you anymore (April 18, 2018, at 9:32 AM)” and, “You could tell her you talk to my daughter about it and I’m here if she want to talk to me (April 18, 2018, at 9:37 AM).” The suspect

continues by stating, "Maybe I could date your mom lol (April 18, 2018, at 9:40 AM)" and, "Yes then you could be in diaper all the time if you want instead of a spanking (April 18, 2018, at 9:44 AM)."

14. On April 18, 2018, the suspect continues his grooming behavior and asks your affiant about meeting in person and measuring the waist of your affiant, a person whom Kinney believes is a 14-year-old girl:

*Chris Kinney: How far away from the mall do you live (April 18, 2018, at 10:12 AM)*

*Undercover: im closer to the airport (April 18, 2018, at 10:15 AM)*

*Chris Kinney: Ok (April 18, 2018, at 10:15 AM)*

*Chris Kinney: If you could get to the mall we could meet there (April 18, 2018, at 10:19 AM)*

*Undercover: yea def...i would do that..i prob can next week sometime. (April 18, 2018, at 10:20 AM)*

*Chris Kinney: Ok (April 18, 2018, at 10:21 AM)*

*Chris Kinney: What are you wearing now for clothes. If there anything you want to know I'm here (April 18, 2018, at 10:33 AM)*

*Chris Kinney: You could tell your mom that you hear about a new way of displainong you (April 18, 2018, at 10:36 AM)*

*Undercover: believe me she would think something is wierd believe me...not a good idea to tell her (April 18, 2018, at 10:37 AM)*

*Chris Kinney: Ok (April 18, 2018, at 10:37 AM)*

*Chris Kinney: Would you wear the diaper home (April 18, 2018, at 10:37 AM)*

*Chris Kinney: Can you measure your waist with a tape measure (April 18, 2018, at 10:42 AM)*

*Undercover: well i dont have a tape measure, but my pant size is a junior size 1 (April 18, 2018, at 10:45 AM)*

*Chris Kinney: Ok I just want to know hoe big your waist was around to get you the right size diaper (April 18, 2018, at 10:46 AM)*

Undercover: i dont have anything to measure it (April 18, 2018, at 10:47 AM)

*Chris Kinney: Ok (April 18, 2018, at 10:47 AM)*

*Chris Kinney: I have a few different sizes i. Could bring if we meet (April 18, 2018, at 10:48 AM)*

Undercover: cool...and where would i put these on (April 18, 2018, at 10:49 AM)

*Chris Kinney: I think the mall has a family bathroom (April 18, 2018, at 10:49 AM)*

Undercover: ok...so would u go in with me and put it on? (April 18, 2018, at 10:50 AM)

*Chris Kinney: You would have to wear like tight sweatpants or them pink pants you have on in one of your pic (April 18, 2018, at 10:50 AM)*

*Chris Kinney: Yes (April 18, 2018, at 10:50 AM)*

*Chris Kinney: If you want me too (April 18, 2018, at 10:52 AM)*

Undercover: ok cool...then what would we do? (April 18, 2018, at 10:52 AM)

*Chris Kinney: Maybe a walk around the mall or what would you want to do (April 18, 2018, at 10:53 AM)*

Undercover: ok..i rather you decide what we do☺ (April 18, 2018, at 10:54 AM)

*Chris Kinney: Ok I would never touch you sexual I would get in trouble (April 18, 2018, at 10:55 AM)*

Undercover: oh ok (April 18, 2018, at 10:55 AM)

*Chris Kinney: I could get in trouble just for meeting you (April 18, 2018, at 10:55 AM)*

Undercover: ok..well i dont want you to get in trouble so i understand if you dont want to (April 18, 2018, at 10:57 AM)

*Chris Kinney: I would if you want me to (April 18, 2018, at 11:01 AM)*

Undercover: im not opposed ☺ (April 18, 2018, at 11:02 AM)

*Chris Kinney: What (April 18, 2018, at 11:02 AM)*

Undercover: i thought you said you would if you want me to and i said im not opposed (April 18, 2018, at 11:03 AM)

Undercover: i guess i misunderstood u (April 18, 2018, at 11:05 AM)

*Chris Kinney: Ok (April 18, 2018, at 11:05 AM)*



*Chris Kinney: Do you wear underwear or thom (April 18, 2018, at 11:05 AM)*

*Undercover: thong or none (April 18, 2018, at 11:08 AM)*

*Chris Kinney: Ok that day you wouldn't be able to wear anything that day (April 18, 2018, at 11:10 AM)*

*Chris Kinney:Or you could go in the bathroom take them off and then I could come in and diaper youn (April 18, 2018, at 11:11 AM)*

15. On April 18, 2018, Kinney continues to communicate with your affiant, stating, "I bet you will look cutie in diaper (April 18, 2018, at 11:14 AM)" and, "We can eat I'm not going to take it off you untill you are wet (April 18, 2018, at 11:48 AM)." The suspect then continues his grooming behavior by stating, "Ok I would do anything you would like to do you could think of me as your dad (April 18, 2018, at 11:51 AM)." The suspect then brings up the subject about your affiant wearing a diaper around the mall and states, "I'm going to make it show while we walk around the mall (April 18, 2018, at 12:28 PM)." When asked what to say if someone approaches your affiant, the suspect states, "You have a bladder problem (April 18, 2018, at 12:33 PM)." Immediately after the last message, the suspect asks, "Have you had your period (April 18, 2018, at 12:34 PM)."

16. Kinney continues his grooming behavior by asking your affiant, a person whom he believes is a 14-year-old girl, about their sexual history. After advising the suspect that your affiant was a virgin and asking him (the suspect) if he thought your affiant, a person whom he believes to be a 14-year-old girl was attractive, the suspect states, "Yes i find you very attractive (April 18, 2018, at 1:40 PM)." It should be noted that when conducting this investigation, your affiant used an undercover Facebook page purporting to be that of a girl, displaying a DOB: 8/1/04, bearing several age-regressed images of a female RISP trooper. The Facebook page is an "open" page, meaning any Facebook user could view all of its content, including the images and profile owner's date of birth.

17. On April 18, 2018, at 2:21 PM, Kinney sends your affiant a picture of a middle-aged white male wearing glasses and a hooded sweatshirt and identifies the person in the picture as himself. After your affiant receives the picture, your affiant

advised Kinney that your affiant had to leave for a friend's house. Kinney responds by asking "If your friend has a taper measure measure your waist (April 18, 2018, at 2:37 PM)" and "That will hello with the diaper size (April 18, 2018, at 2:38 PM)."

18. On April 19, 2018, continues his grooming behavior by telling your affiant to call him dad while in the mall. On April 19, 2018, at 4:25 PM, the suspect sends your affiant a message stating, "Here what the diaper would look like." Directly after the aforementioned message, the suspect sends an image of a child's diaper. The suspect continues to communicate with grooming behaviors and states, "I just you to tell dad what you want to do (April 19, 2018, at 4:35 PM)," and "What do you like to eat (April 19, 2018, at 4:57 PM)," and "You also need to tell me when you get a spank by your mom and tell me what you did to get it too (April 19, 2018, at 5:00 PM)." The suspect then talks about how he would punish your affiant by stating, "If i did spank you I would put you in a corner with no pants on and a pacifier in the mouth (April 19, 2018, at 5:25 PM)." Additionally, the suspect states, "Not listen could be both depend on what you didn't listen if you where going to get hurt spanking bare bottom (April 19, 2018, at 5:32 PM)."

19. On April 19, 2018, your affiant and the suspect continue to communicate through Facebook messenger. Kinney continues his grooming behavior and talks about the last time he has spanked someone:

*Chris Kinney: What does your mom do for work (April 19, 2018, at 6:13 PM)*

*Undercover: what r u thinking about? And my mom is a nurse (April 19, 2018, at 6:13 PM)*

*Chris Kinney: Ok where (April 19, 2018, at 6:14 PM)*

*Undercover: i rather not say (April 19, 2018, at 6:16 PM)*

*Chris Kinney: Ok why not (April 19, 2018, at 6:16 PM)*

*Undercover: idk...why do u want to know (April 19, 2018, at 6:18 PM)*

*Chris Kinney: Just wondering (April 19, 2018, at 6:19 PM)*

*Chris Kinney: Is your mom home now (April 19, 2018, at 6:21 PM)*

*Undercover: not yet, usually around 730 (April 19, 2018, at 6:21 PM)*

*Chris Kinney: Ok (April 19, 2018, at 6:21 PM)*

*Chris Kinney: Do you have anything that need to be done before she come home (April 19, 2018, at 6:22 PM)*

*Undercover: not really (April 19, 2018, at 6:23 PM)*

*Chris Kinney: Ok I don't want her to spank you (April 19, 2018, at 6:23 PM)*

*Undercover: thats cause u want to ☺ (April 19, 2018, at 6:25 PM)*

*Chris Kinney: Yes if you are bad enough (April 19, 2018, at 6:26 PM)*

*Undercover: so whens the last time u spanked someone (April 19, 2018, at 6:27 PM)*

*Chris Kinney: About a mouth ago (April 19, 2018, at 6:28 PM)*

*Undercover: tell me about it (April 19, 2018, at 6:28 PM)*

*Chris Kinney: She wasn't listen I took her in to her room pull down her pants and underwear and spanked her bare butt then put her in the corner with a pacifier in it for like 20 mins (April 19, 2018, at 6:34 PM)*

*Undercover: is she my age (April 19, 2018, at 6:35 PM)*

*Chris Kinney: Yes (April 19, 2018, at 6:35 PM)*

At the end of the aforementioned conversation, your affiant advises the suspect that your affiant will not be able to talk for three (3) days. The suspect responds by stating, "Ok (April 19, 2018, at 6:50 PM)" and "Love you (April 19, 2018, at 6:53 PM)."

20. On April 23, 2018, Kinney continues his grooming behavior through Facebook messenger by stating, "Hey I know what you can tell your mom you sign up for a big brother /dad and they match you with me and then go from there (April 23, 2018, at 11:28 PM)." When asked what will that do, the suspect responds by stating, "So we can be together without getting in trouble (April 23, 2018, at 11:37 PM)." The suspect continues the grooming behavior by stating, "Have pizza walk around the mall i want to get to know you better I could push you on a swing (April 23, 2018, at 12:03 PM)" and, "If you give me some idea too you are my daughter." The suspect then describes how he would change the diaper of your affiant, whom Kinney believes is a 14-year-old girl. The suspect states, "I would take you into the bathroom put you on the changing table if you on it or lay you

on the floor with a pad under you pull down your pants untaped the diaper pull it out from (April 23, 2018, at 12:21 PM)" and, "You and wipe you down and put a dry diaper on you (April 23, 2018, at 12:21 PM)." When asked where he (the suspect) would wipe, Kinney states, "Your butt (April 23, 2018, at 12:22 PM)" and, "Ok would you want me to wipe in the middle of your leg (April 23, 2018, at 12:24 PM)" and then elaborates by stating, "No higher up (April 23, 2018, at 12:26 PM)." Shortly after your affiant states, "you seem nervous though...which i understand (April 23, 2018, at 12:26 PM)." The suspect responds by stating, "Yes you are only 14 (April 23, 2018, at 12:26 PM)" and, "Ok daughter (April 23, 2018, at 12:27 PM)."

21. The conversation continues, with Kinney sexualizing the conversation by talking about his penis:

*Chris Kinney: You know when I'm chsnnging you I may get hard too (April 23, 2018, at 1:48 PM)*

Undercover: i would hope so (April 23, 2018, at 1:49 PM)

*Chris Kinney: Yes (April 23, 2018, at 1:50 PM)*

*Chris Kinney: Lol (April 23, 2018, at 1:50 PM)*

*Chris Kinney: Would you use a pacifier or bottle too (April 23, 2018, at 1:50 PM)*

Undercover: just with you i would (April 23, 2018, at 1:50 PM)

*Chris Kinney: Ok cool (April 23, 2018, at 1:50 PM)*

Undercover: so this is all obviously a sexual turn on for you (April 23, 2018, at 1:51 PM)

*Chris Kinney: No How about you (April 23, 2018, at 1:51 PM)*

Undercover: oh...i thought it was because u said you may get hard (April 23, 2018, at 1:52 PM)

*Chris Kinney: Yes I do sometime (April 23, 2018, at 1:52 PM)*

Undercover: cool (April 23, 2018, at 1:53 PM)

*Chris Kinney: Would you do anything if you saw me that way I wouldn't make any move (April 23, 2018, at 1:53 PM)*

Undercover: saw u what way (April 23, 2018, at 1:54 PM)

*Chris Kinney: Hard (April 23, 2018, at 1:54 PM)*

Undercover: oh..yea ill do whatever you want me to do (April 23, 2018, at 1:55 PM)

*Chris Kinney: Ok I would let you do anything you want to that part would be up to you (April 23, 2018, at 1:55 PM)*

Undercover: like i said b4, i def like you taking charge (April 23, 2018, at 1:56 PM)

*Chris Kinney: Ok (April 23, 2018, at 1:56 PM)*

Undercover: so if you want me to do anything i want to know (April 23, 2018, at 1:57 PM)

*Chris Kinney: If you want to touch it you could (April 23, 2018, at 1:58 PM)*

Undercover: ok i would want to, what else (April 23, 2018, at 1:58 PM)

*Chris Kinney: Anything (April 23, 2018, at 1:59 PM)*

Undercover: yes (April 23, 2018, at 1:59 PM)

*Chris Kinney: Ok (April 23, 2018, at 2:01 PM)*

Undercover: so tell me what the plan is (April 23, 2018, at 2:02 PM)

*Chris Kinney: Well we would meet at the mall when you are ready go to the family bathroom put the diaper on you and then walk around get some food then we can go walk around some more then maybe go to a park or the bike patch and walk it so I get to know you better (April 23, 2018, at 2:06 PM)*

Undercover: ok...then what (April 23, 2018, at 2:07 PM)

*Chris Kinney: Don't know right now I would like to go somewhere I could get some good pic of you in the diaper if you want me too (April 23, 2018, at 2:08 PM)*

22. Kinney continues the same sexually explicit conversation by stating, "What would you do if I was hard and pull it out (April 23, 2018, at 3:08 PM)." The suspect then states, "I will tell you I would never put it next to your hole (April 23, 2018, at 3:10 PM)." When asked why, the suspect states, "To young (April 23, 2018, at 3:11 PM)." The suspect then states to your affiant, a person whom he believes is a 14-year-old girl, "Anything you want touch it play with it (April 23, 2018, at 3:21 PM)." Your affiant then inquires about how the suspect would clean the 14-year-old girl, for which he (the suspect) replies,

"Around you butt and if you want around your front hole (April 23, 2018, at 3:40 PM)." Shortly after the suspect states, "Cool that you will love that we just can't be in the bathroom to long people may call the police (April 23, 2018, at 4:01 PM)." The suspect also later clarifies that "front hole" meant "vagina."

23. On April 24, 2018, the suspect continues to communicate to your affiant about the 14-year-old girl wearing a diaper. The suspect asks, "Have you been thinking about the diaper and do you think you will be able to pee in it (April 24, 2018, at 9:22 AM)." Additionally, Kinney's sexually explicit conversation continues:

*Chris Kinney: I know your young have you ever thought about sex (April 24, 2018, at 12:44 PM)*

Undercover: of course! (April 24, 2018, at 12:45 PM)

*Chris Kinney: Ok like what (April 24, 2018, at 12:45 PM)*

Undercover: what do u mean...i think about sex silly (April 24, 2018, at 12:46 PM)

*Chris Kinney: Ok like when you would like it to start going inside you (April 24, 2018, at 12:47 PM)*

Undercover: i would now if the person was right (April 24, 2018, at 12:48 PM)

*Chris Kinney: Ok (April 24, 2018, at 12:48 PM)*

*Chris Kinney: Just wondering hoe do you think your mom going to feel about it (April 24, 2018, at 12:49 PM)*

Undercover: shes not gonna know about it (April 24, 2018, at 12:49 PM)

*Chris Kinney: Ok (April 24, 2018, at 12:49 PM)*

*Chris Kinney: You just need to make sure you have condom and I hear it painfully the first time for a girl (April 24, 2018, at 12:50 PM)*

Undercover: of course (April 24, 2018, at 12:50 PM)

*Chris Kinney: Of course what (April 24, 2018, at 12:52 PM)*

Undercover: of course i will have a condom (April 24, 2018, at 12:52 PM)

Undercover: well i obviously cant buy condoms might look bad lol (April 24, 2018, at 12:52 PM)

Undercover: have u ever been with someone my age b4? sorry if thats embarrassing, im just a little self conscious (April 24, 2018, at 12:53 PM)

*Chris Kinney: No I haven't (April 24, 2018, at 12:53 PM)*

Undercover: K (April 24, 2018, at 12:54 PM)

*Chris Kinney: I would maybe do something if I knew i wouldn't get in trouble but I wouldn't make the first move when it came to that (April 24, 2018, at 12:57 PM)*

24. As the conversation continues, Kinney begins to talk more graphically about sexual activity and solicits your affiant, whom he believes is a 14 years of age, for sexual intercourse: <sup>2</sup>

*Chris Kinney: If you ever did decided that you want to have sex and want it to be with me I would go easy going in and have you sucking on a pacifier (April 24, 2018, at 1:30 PM)*

Undercover: wow that def sounds like fun! Wow (April 24, 2018, at 1:31 PM)

*Chris Kinney: Yes and after you where in a diaper and wet (April 24, 2018, at 1:32 PM)*

Undercover: i love it (April 24, 2018, at 1:32 PM)

*Chris Kinney: Yes but I wouldn't make the first move that would be up to you (April 24, 2018, at 1:32 PM)*

Undercover: i def would not do that...wayyyy to shy (April 24, 2018, at 1:33 PM)

Undercover: that sux then (April 24, 2018, at 1:33 PM)

*Chris Kinney: I just do want to push you into something you aren't ready for (April 24, 2018, at 1:34 PM)*

Undercover: you wouldnt be (April 24, 2018, at 1:34 PM)

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<sup>2</sup> Under Rhode Island law, pursuant to § 11-37-6, Third degree sexual assault, "A person is guilty of third degree sexual assault if he or she is over the age of eighteen (18) years and engaged in sexual penetration with another person over the age of fourteen (14) years and under the age of consent, sixteen (16) years of age." Under R.I.G.L. § 11-37-8.1, First degree child molestation sexual assault, "A person is guilty of first degree child molestation sexual assault if he or she engages in sexual penetration with a person fourteen (14) years of age or under."

*Chris Kinney: No your not shy if you are willing to wear a diaper out in public (April 24, 2018, at 1:34 PM)*

*Chris Kinney: Ok (April 24, 2018, at 1:34 PM)*

*Undercover: i am shy trust me (April 24, 2018, at 1:35 PM)*

*Chris Kinney: Ok (April 24, 2018, at 1:35 PM)*

*Undercover: so would u want to do that at the mall to (April 24, 2018, at 1:39 PM)*

*Chris Kinney: What that (April 24, 2018, at 1:39 PM)*

*Undercover: you said have sex (April 24, 2018, at 1:40 PM)*

*Chris Kinney: No that would have to be done somewhere else (April 24, 2018, at 1:41 PM)*

*Undercover: so would that be after we walk around the mall? (April 24, 2018, at 1:41 PM)*

*Chris Kinney: Yes and eat if you want too (April 24, 2018, at 1:48 PM)*

*Undercover: hell yea (April 24, 2018, at 1:49 PM)*

*Chris Kinney: I just hope we don't get in trouble (April 24, 2018, at 1:50 PM)*

*Undercover: i would never tell dont worry (April 24, 2018, at 1:50 PM)*

*Chris Kinney: Ok special the police (April 24, 2018, at 1:50 PM)*

25. On April 25, 2018, Kinney continues to utilize grooming behavior and to solicit your affiant for sexual activity:

*Chris Kinney: Where you think about our talk from yesterday (April 25, 2018, at 7:37 AM)*

*Undercover: about what the sex talk? (April 25, 2018, at 7:38 AM)*

*Chris Kinney: Yes (April 25, 2018, at 7:39 AM)*

*Undercover: what specifically do u want to know (April 25, 2018, at 7:39 AM)*

*Chris Kinney: Anything (April 25, 2018, at 7:40 AM)*

*Undercover: well ask me (April 25, 2018, at 7:41 AM)*

*Chris Kinney: Where your panties all wet when you got home (April 25, 2018, at 7:41 AM)*

*Undercover: maybe ☺ (April 25, 2018, at 7:42 AM)*

*Chris Kinney: Yes there (April 25, 2018, at 7:42 AM)*



*Chris Kinney: Where (April 25, 2018, at 7:43 AM)*

Undercover: yes i was (April 25, 2018, at 7:43 AM)

*Chris Kinney: I'm off from work today so I will be here all day my daughter (April 25, 2018, at 7:44 AM)*

*Chris Kinney: Lol (April 25, 2018, at 7:44 AM)*

*Chris Kinney: I know that (April 25, 2018, at 7:44 AM)*

Undercover: lol...k (April 25, 2018, at 7:45 AM)

*Chris Kinney: Do you like French kiss (April 25, 2018, at 7:46 AM)*

Undercover: of course (April 25, 2018, at 7:46 AM)

*Chris Kinney: Cool (April 25, 2018, at 7:46 AM)*

*Chris Kinney: You kow if you ask me to go inside you i want you to suck on a pacifier while I'm in there (April 25, 2018, at 7:47 AM)*

Undercover: when say go inside do you mean sex or like without condom,..im confused (April 25, 2018, at 7:48 AM)

*Chris Kinney: Mean sex in your front hole if you want me to i would use a condom with you (April 25, 2018, at 7:50 AM)*

Undercover: def condom and im not opposed to doing it...hopefully it wouldnt hurt to bad (April 25, 2018, at 7:51 AM)

*Chris Kinney: it going to hurt a lot untill your hole open up but it we did and you ask me to stop I would (April 25, 2018, at 7:52 AM)*

*Chris Kinney: You should try to get some condom (April 25, 2018, at 7:53 AM)*

Undercover: no way...i would get in seriousl trouble...people would ask questions,,,im way to young to a store and get some (April 25, 2018, at 7:53 AM)

26. April 25, 2018, at 10:24 AM, Kinney sends another image of a middle-aged white male standing in the bathroom. The male's head is not visible. Additionally, the suspect states, "You know how you ask me yesterday if I have ever been with a girl your age before I forgot about the one when I was around 28 and she was 15 we never did anything together she just touch it through my pants (April 25, 2018, at 10:31 AM)." The

suspect later states, "Well when you are ready and after you wet the diaper I would change you and start to play around with your hole and we can go from there (April 25, 2018, at 11:39 AM)" and, "I would stick my hand down the front of your sweatpants to see how wet you are grab your butt (April 25, 2018, at 11:41 AM)." Furthermore, the suspect then states, "If we are at your house where do you want me to put you to change you and if you want to have sex where do you want to do it (April 25, 2018, at 11:48 AM)." Kinney also continues to voice his concern about getting in trouble by stating, "OK just wondering I just don't want us to get into trouble that all" and "Ok special police (April 25, 2018, at 1:10 PM)." In addition, the suspect makes a veiled threat to your affiant, a person whom he (the suspect) believes to be a 14-year-old girl about going into, "foster care," if we were ever caught:

*Chris Kinney: I will tell you if we did you would go to Forster care (April 25, 2018, at 1:11 PM)*

*Chris Kinney: How your pants lol (April 25, 2018, at 1:11 PM)*

*Undercover: why would i go to foster care? (April 25, 2018, at 1:12 PM)*

*Chris Kinney: I hear because your mom wasn't watching you. (April 25, 2018, at 1:12 PM)*

27. On April 26, 2018, through Facebook messenger, Kinney and your affiant agree to meet at the Warwick Mall Food Court, located at 400 Bald Hill Road, Warwick, RI. On the subject of meeting, the suspect states, "With what I have the diaper ready and I can get some condom and some lube to help it go in if you want it to (April 26, 2018, at 10:34 AM)" and, "Ok if you want every thing we will have to go there right or do you just want to do the diaper today if i can meet you then we could meet again and do more (April 26, 2018, at 1:10 PM)," to which your affiant replies "im down for everything, so whatever u want to do is cool with me (April 26, 2018, at 1:11 PM)." The suspect then states, "Ok i just don't want to get you or me in trouble (April 16, 2018, at 1:12 PM) and, "I can't believe you want to have sex with someone older then you (April 26, 2018, at 1:13 PM). The suspect

then makes another veiled threat to your affiant by stating that your affiant's mother could lose her job if we were caught by the police.

28. On April 26, 2018, at approximately 2:00 PM, members of the RISP CCU and Internet Crimes Against Children Task Force responded to the pre-arranged meeting location, Warwick Mall Food Court, 400 Bald Hill Road, Warwick, Rhode Island. At approximately 2:20 PM, detectives observed Kinney enter the Warwick Mall through an entrance near Target department store. Detectives then observed Kinney walk the full length of the mall in the direction of the food court, where he then walked towards the children's carousel. Based upon my training and experience, Kinney's behavior was consistent with someone conducting counter surveillance in an attempt to locate and identify law enforcement in the area.

29. Shortly thereafter, detectives approached Kinney and exited the Warwick Mall with him. Kinney was positively identified by Rhode Island driver's license number 2724122, as Christopher M. Kinney, DOB: 07/13/1974, of 631 Metacom Avenue, Warren, Rhode Island. Kinney was then taken into custody and an Apple iPhone 7 was taken from his pocket. Detectives then located Kinney's vehicle, a gray Toyota Camry bearing Rhode Island reg. "TJ345." Prior to being towed, a vehicle inventory revealed the following items:

- Gillette Clear Gel Deodorant
- Diaper bag containing several diapers
- Two (2) Trojan condoms
- Pacifier and baby bottle
- Loose Skittles candy in a zip-loc bag
- A canister of children's bubble fluid

30. Kinney was later transported to RISP headquarters where he was read his Miranda rights, signed a rights form acknowledging receipt of his Miranda rights, waived his rights, and agreed to speak with both Special Agent Jamie Richardson and your affiant. Additionally, Kinney signed a consent to search his Apple iPhone 7,

*ckinney2429@gmail.com* e-mail account and, Facebook account (user ID 100009634308113).

In sum, Kinney made the following post-arrest Mirandized statements:

- Kinney advised that he lives with Jane Doe. Kinney further stated that Doe has two children, a 5-year-old boy and a 4-year-old girl both of whom are in DCYF custody.
- Kinney identified his e-mail accounts as *ckinney2429@gmail.com* and *ckinney2429@icloud.com*.
- Kinney identified his Facebook account as Chris Kinney.
- Kinney advised that he has Kik messenger downloaded on his Apple iPhone. Kinney stated his Kik username is *Chris Micheal*.
- Kinney identified the Apple iPhone 7 found on his person as the only device he uses to access the Internet. Furthermore, Kinney stated that he is the only one with access to the phone.
- Kinney further advised that he created the "Chris Kinney" Facebook account and acknowledged joining various child punishment groups described previously in this affidavit.
- Kinney acknowledged initiating communication with your affiant, a person whom he believed to be a 14-year-old girl.
- Kinney stated that he was the only person communicating with your affiant using his Facebook account using Facebook Messenger.
- Kinney acknowledged believing that he was communicating with a 14-year-old girl when he corresponded with your affiant.
- Kinney stated he communicated with your affiant about wearing a diaper and getting spanked. Kinney initially denied bringing up sex to your affiant.
- After reading through the chat communications, Kinney then acknowledged that he did initiate conversation about sex.
- Furthermore, Kinney stated that when he talked about "his daughter" he was lying. Kinney stated he made this up to attempt to make your affiant more comfortable and relate to him (Kinney) better.
- When asked why he was talking to a 14-year-old girl about spanking, Kinney stated, "I don't know." Kinney later acknowledged he knew what he was doing was wrong and against the law.
- Your affiant then voiced his concern over whether Kinney was physically hurting children. Kinney then stated, "let me tell you something, I loved kids to death okay. As a matter of fact, I even went to classes to become a foster parent."

- Kinney denied ever punishing his children the way he described through the chat communications.
- Kinney further stated that he asked to date your affiant's mother to make the affiant more comfortable.
- Kinney admitted to being sexually aroused by the idea of the 14-year-old girl putting on a diaper. Additionally, Kinney acknowledged being sexually attracted to the 14-year-old girl depicted on your affiant's undercover Facebook page with whom Kinney was corresponding.
- Kinney stated that he told the 14-year-old girl to tell a suspecting person she had a bladder problem in order to avoid trouble at the mall.
- Kinney stated that the picture of the juvenile in the diaper, which is described previously in this affidavit, was found on the Internet. Kinney stated the girl looked like she was twelve (12) years-old.
- Kinney admitted to asking the 14-year-old girl, with whom he thought he was corresponding, to touch his penis.
- Kinney stated he would have taken a picture of the 14-year-old girl in the diaper.
- Kinney admitted to telling the 14-year-old girl that he was going to put his penis inside of her vagina while the 14-year-old was sucking on a pacifier.
- Kinney admitted to calling the 14-year-old girl daughter to make her more comfortable.
- Kinney admitted that he was attempting to scare the 14-year-old from calling the police when he said that she would go to foster care if caught with him. Kinney agreed that this was a veiled threat on his part.
- Kinney admitted that he was going to the Warwick Mall to meet the 14-year-old girl and was going to put a diaper on the girl and walk around the mall with her until she soiled herself. Kinney admitted he intended to have sexual contact with the girl.
- Kinney admitted to bringing diapers that would fit the 14-year-old girl.
- Kinney admitted to bringing the baby bottle and pacifier for the 14-year-old girl.
- Kinney admitted to bringing the condoms to use during sexual contact with the 14-year-old girl.
- Kinney admitted that he went to the Mall with the intention of meeting the 14-year-old girl and this was not merely fantasy for him.
- When asked why he asked the 14-year-old girl to pick a code word for sex, Kinney stated that it was a cover in case Facebook administrators were monitoring their chats.
- Kinney defined a child up to the age of eighteen (18).

- After explaining the definition of child pornography for Kinney, he stated that he has child pornography on his Apple iPhone.
- Kinney admitted to receiving child pornography through his *ckinney2429@gmail.com* account.
- Kinney also admitted to sending and receiving child pornography from other through Kik messenger, e-mail and Facebook.
- Kinney defined a pedophile as "someone who touches children." When asked if he was pedophile Kinney stated, "Maybe, a little."
- Kinney stated he is sexually attracted to toddlers, and anyone prepubescent. Kinney acknowledged that he has a "problem" with this.

31. On April 26, 2018, your affiant performed the analysis of the Apple iPhone 7 seized from Kinney. The analysis revealed approximately fifty-six (56) images of child pornography. Your affiant viewed two (2) of the images and confirmed their content to be consistent with the definition of child pornography as defined in 18 U.S.C. § 2252(a)(4)(B):

- i. A color image depicting two (2) nude pre-pubescent males. The males are simultaneously performing oral sex on each other.
- ii. A color image of an infant lying nude on her back with her genitals exposed.

In addition to the files of child pornography, your affiant also identified numerous times where Kinney distributed images of child pornography to other people via the third-party chat application Kik messenger. Furthermore, it should be noted that your affiant located numerous images and videos of badly beaten children in Kinney's Apple iPhone. Your affiant conducted a search of Kinney's Gmail account, *ckinney2429@gmail.com*. The search revealed numerous files of child pornography and files of children being harshly punished and/or beaten. Additionally, your affiant located e-mails wherein Kinney distributes child pornography.

32. On April 27, 2018, agents were informed by Bryant Kisbert, the father of Jane Doe, Kinney's live-in girlfriend, that within the last 3 days, he found a thumb drive containing what appeared to be child pornography in the basement-apartment residence that he shares with Kinney. Kisbert explained that he resides with his daughter and his

wife at Kinney's residence in the basement of 631 Metacom Avenue in Warren, RI. He indicated that a few days ago, he was leaning against a coffee table and the table top became loosened, revealing a compartment underneath it. Within that compartment, Kisbert found a thumb drive and laptop computers. In an effort to determine to whom the items belonged, Kisbert later inserted the thumb drive into a computer to examine its contents and, among other things, saw an image of Kinney wearing a diaper, in addition to multiple images of nude infants with their legs spread, revealing their genitals.

33. On April 27, 2018, your affiant obtained a federal search warrant for Kinney's residence to search for and seize computers, digital storage media, and other items used to commit or containing evidence of Kinney's crimes. The warrant was executed on the evening of April 27<sup>th</sup>. During the search of Kinney's residence, members of the RISP CCU discovered 4 laptop computers, 2 thumb drives, 1 digital media storage card, 2 compact discs, a cellular phone, a computer tablet, and several other items of evidentiary value. All computers and digital storage media were seized and returned to the RISP CCU for forensic analysis. As of this writing, the compact discs and two thumb drives that were seized have been forensically analyzed and images of child pornography were found on one of the thumb drives.

34. Your affiant was later informed that on the morning of Saturday April 28, 2018, Sgt. Damien Longo of the RISP CCU received information from the Warren Police Department that Mr. David Johnson, owner of Twigg's Automotive, Kinney's place of employment, contacted the Warren Police Department because he received a call from Kinney's mother who was seeking to retrieve a "tablet" from the tow truck Kinney operated. Sgt. Longo contacted Mr. Johnson regarding the incident. Mr. Johnson told Sgt. Longo that he needed the tow truck Kinney was using so he removed Kinney's belongings from the vehicle, including a red backpack and a red Craftsman tool box, and secured them in his office. Sgt. Longo responded to Twigg's Automotive, interviewed Mr. Johnson, took possession of Kinney's belongings from Mr. Johnson, and transported them back to the Computer Crimes Unit pending acquisition of a federal search warrant.

35. Based on my training and experience and facts of this case known to date, I believe probable cause exists to search Kinney's backpack and toolbox and any computer, computer tablet, or digital storage media found therein. It should be noted that during my post-arrest interview of Kinney, he indicated that the only way he connected to the internet was through use of his iPhone and denied possessing computers or other electronic devices that enabled him to do the same. Kinney indicated the only person in his house that had a computer was Kisbert, who owned a tablet. Kinney's prior statements, denying ownership of any computer, combined with the discovery of hidden computers and digital storage media – and associated child-pornographic images - in Kinney's apartment gives me reason to believe that any computer, computer tablet, or digital storage media found in Kinney's belongings taken from his place of employment may also contain contraband images and other evidence of Kinney's crimes.

**CHARACTERISTICS COMMON TO PERSONS WHO RECEIVE, POSSESS, AND  
ACCESS WITH INTENT TO VIEW CHILD PORNOGRAPHY**

36. Based on my previous investigative experience related to child exploitation investigations, and the training and experience of other law enforcement officers with whom I have collaborated, I have learned that there are certain characteristics that are generally common to offenders who access, send, distribute, exhibit, possess, display, transport, manufacture, or produce material which depicts minors engaged in sexually explicit conduct. Said material includes, but is not limited to, photographs and videos stored electronically on computers, digital devices, or related digital storage media.

37. Such offenders may receive sexual gratification, stimulation, and satisfaction from contact with children, or from fantasies they may have that stem from viewing children engaged in sexual activity or in sexually suggestive poses, whether in person, in photographs or other visual media, or from literature describing such activity.

38. Such offenders may collect sexually explicit or suggestive materials in a variety of media, including digital photographs, videos, or other visual media. Individuals who have a sexual interest in children or images of children oftentimes use these materials



for their own sexual arousal and gratification. Further, they may use these materials to facilitate contact offenses – that is, to lower the inhibitions of children they are attempting to seduce, to arouse the selected child partner, or to demonstrate the desired sexual acts.

39. Such offenders almost always possess and maintain their hard copies of child pornographic material, that is, their pictures, films, video tapes, magazines, negatives, photographs, correspondence, mailing lists, books, tape recordings, etc., in the privacy and security of their home or some other secure location. Individuals who have a sexual interest in children or images of children typically retain their cache for many years.

40. Likewise, such individuals often maintain their child pornography images in a digital or electronic format in a safe, secure, and private environment, such as a computer and surrounding area. These child pornography images are often maintained for several years and are kept close by, usually at the offender's residence, inside the offender's vehicle, or, at times, on his person, to enable the individual to view the child pornography images, which are highly valued.<sup>3</sup>

41. Some of these individuals, however, have been found to download, view, and then delete child pornography on their computers or digital devices on a cyclical and repetitive basis, presumably to avoid criminal liability. Importantly, as described in more detail below, evidence of such activity, including deleted child pornography, often can be located on these individuals' computers and digital devices through the use of forensic tools. Indeed, the very nature of electronic storage means that evidence of the crime is often still discoverable for extended periods of time even after the individual "deleted" it.<sup>4</sup>

42. Such offenders also may correspond with and/or meet others to share information and materials, rarely destroy correspondence from other child pornography distributors/possessors, conceal such correspondence as they do their sexually explicit

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<sup>3</sup> See *United States v. Morales-Aldahondo*, 524 F.3d 115, 117-119 (1st Cir. 2008) (3-year delay between last download and warrant application not too long, given affiant testimony that consumers of child pornography value collections and thus often retain them for a period of time, and consumers who use computers to access child pornography are likely to use computers to store their collections);

<sup>4</sup> See *United States v. Seiver*, 692 F.3d 774, 775-776 (7th Cir. 2012) (in context of staleness challenge, collecting and agreeing with cases from the 4th, 5th, 6th, and 9th Circuits that acknowledge the ability of forensic examiners to recover evidence of child pornography even after such files are deleted by a user).

material, and often maintain lists or other record of individuals with whom they have been in contact and who share the same interests in child pornography.

43. Such offenders prefer not to be without their child pornography for any prolonged time period. This behavior has been documented by law enforcement officers involved in the investigation of child pornography throughout the world. Thus, even if such an offender uses a portable device (such as a mobile phone) to access the internet and child pornography, it is more likely than not that evidence of this access will be found in other internet-accessible devices owned by the suspect.

44. Based upon the foregoing, I believe that Kinney likely displays characteristics common to individuals who access with the intent to view and possess, collect, receive, or distribute child pornography. As such, I submit that there is probable cause to believe that contraband material depicting minors engaged in sexually explicit conduct and other evidence, instrumentalities, and fruits of violations of 18 U.S.C. § 2422(b), 18 U.S.C. § 2252(a)(2), and 18 U.S.C. § 2252(a)(4)(B) may be found in any internet-accessible devices owned by the suspect, including any tablet found among his belongings seized from Twigg's Automotive.

#### **SEARCH AND SEIZURE OF COMPUTER SYSTEMS AND DATA**

45. Based on my knowledge, training, experience, and information provided to me by other agents, I know that computer files or remnants of such files can be recovered months or even years after they have been written, downloaded, saved, deleted, or viewed locally or over the Internet. This is true because:

- a. Electronic files that have been downloaded to a storage medium can be stored for years at little or no cost. Furthermore, when users replace their computers, they can easily transfer the data from an old computer to a new computer.
- b. Even after files have been deleted, they can be recovered months or years later using forensic tools. This is so because when a person "deletes" a file

on a computer, the data contained in the file does not actually disappear; rather, that data remains on the storage medium until it is overwritten by new data, which might not occur for long periods of time. In addition, a computer's operating system may also keep a record of deleted data in a "swap" or "recovery" file.

- c. Wholly apart from user-generated files, computer storage media – in particular, computers' internal hard drives – contain electronic evidence of how the computer has been used, what it has been used for, and who has used it. This evidence can take the form of operating system configurations, artifacts from operating system or application operation, file system data structures, and virtual memory "swap" or paging files. It is technically possible to delete this information, but computer users typically do not erase or delete this evidence because special software is usually required for that task.
- d. Similarly, files that have been viewed over the Internet are sometimes automatically downloaded into a temporary Internet directory or "cache." The browser often maintains a fixed amount of hard drive space devoted to these files, and the files are overwritten only as they are replaced with more recently viewed Internet pages or if a user takes steps to delete them.

46. Based on my knowledge and training and the experience of other agents with whom I have spoken, I am aware that in order to completely and accurately retrieve data maintained in computer hardware, computer software, or storage media, to ensure the accuracy and completeness of such data, and to prevent the loss of the data either from accidental or programmed destruction, it is often necessary that computer hardware, computer software, computer-related documentation, and storage media ("computer equipment") be seized and subsequently processed by a qualified computer specialist in a laboratory setting, rather than in the location where it is seized. This is true because of:

- a. The volume of evidence: Storage media such as hard disks, flash drives, CD-ROMs, and DVD-ROMs can store the equivalent of thousands or, in some

instances, millions of pages of information. Additionally, a user may seek to conceal evidence by storing it in random order or with deceptive file names. Searching authorities may need to examine all the stored data to determine what particular files are evidence, fruits, or instrumentalities of criminal activity. This process can take weeks or months, depending on the volume of data stored, and it would be impractical to attempt this analysis on-site.

- b. Technical requirements: Analyzing computer hardware, computer software, or storage media for criminal evidence is a highly technical process requiring expertise and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications. Thus, it is difficult to know, before the search, which expert possesses sufficient specialized skill to best analyze the system and its data. Furthermore, data analysis protocols are exacting procedures, designed to protect the integrity of the evidence and to recover even "hidden," deleted, compressed, password-protected, or encrypted files. Many commercial computer software programs also save data in unique formats that are not conducive to standard data searches. Additionally, computer evidence is extremely vulnerable to tampering or destruction, both from external sources and destructive code imbedded in the system as a "booby trap."

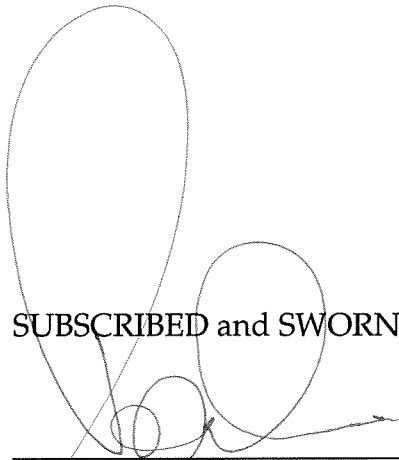
### CONCLUSION

47. Based on the foregoing, I submit that there is probable cause to believe that evidence, fruits, and instrumentalities of violations of attempted enticement of a minor, in violation of 18 U.S.C. § 2422(b), distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2), and possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B), as described in Attachment B, are located among Kinney's backpack or toolbox seized from Twigg's Automotive and, more specifically, any computer, computer tablet, or digital media storage devices found in those items.

Sworn to under the pains and penalties of  
perjury,



ADAM HOUSTON  
Detective, Computer Crimes Unit, RISP  
Task Force Officer, HSI



SUBSCRIBED and SWORN to before me on May 1, 2018.



PATRICIA A. SULLIVAN  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**DESCRIPTION OF ITEMS TO BE SEARCHED**

The items to be searched include:

- A. a red backpack belonging to Christopher Kinney, seized from Twigg's Automotive;
- B. a red Craftsman tool box belonging to Christopher Kinney, seized from Twigg's Automotive;
- C. The contents of any computer, computer tablet, or electronic media storage devices found therein.

**ATTACHMENT B**  
**DESCRIPTION OF INFORMATION TO BE SEIZED**

- I. All records, in whatever form, and tangible objects that constitute evidence, fruits, or instrumentalities of attempted enticement of a minor, in violation of 18 U.S.C. § 2422(b), distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2), and possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B), including:
- A. Records and tangible objects pertaining to the following topics:
1. Obscene materials;
  2. Child pornography and child erotica.
  3. Communications with minors or others having access to minors that relate to the persuasion, inducement, enticement or coercion of a minor to engage in sexual activity for which any person could be charged with a criminal offence.
- B. For any electronic media storage device, computer hardware, computer software, computer-related documentation, or storage media called for by this warrant or that might contain things otherwise called for by this warrant ("the computer equipment"):
1. evidence of who used, owned, or controlled the computer equipment;
  2. evidence of computer software that would allow others to control the items, evidence of the lack of such malicious software, and evidence of the presence or absence of security software designed to detect malicious software;
  3. evidence of the attachment of other computer hardware or storage media;
  4. evidence of counter forensic programs and associated data that are designed to eliminate data;
  5. evidence of the times the computer equipment was used;
  6. passwords, encryption keys, and other access devices that may be necessary to access the computer equipment;
  7. records and tangible objects pertaining to accounts held with companies providing Internet access or remote storage of either data or storage media; and
  8. evidence indicating the computer user's state of mind as it relates to the crime under investigation.

- II. All computer hardware, computer software, computer-related documentation, and storage media.

### DEFINITIONS

For the purpose of this warrant:

- A. "Computer equipment" means any computer hardware, computer software, computer-related documentation, storage media, and data.
- B. "Computer hardware" means any electronic device capable of data processing (such as a computer, smartphone, cellular telephone, or wireless communication device); any peripheral input/output device (such as a keyboard, printer, scanner, monitor, and drive intended for removable storage media); any related communication device (such as a router, wireless card, modem, cable, and any connections), and any security device, (such as electronic data security hardware and physical locks and keys).
- C. "Computer software" means any program, program code, information or data stored in any form (such as an operating system, application, utility, communication and data security software; a log, history or backup file; an encryption code; a user name; or a password), whether stored deliberately, inadvertently, or automatically.
- D. "Computer related documentation" means any material that explains or illustrates the configuration or use of any seized computer hardware, software, or related items.
- E. "Storage media" means any media capable of collecting, storing, retrieving, or transmitting data (such as a hard drive, CD, DVD, or memory card).
- F. "Data" means all information stored on storage media of any form in any storage format and for any purpose.
- G. "A record" is any communication, representation, information or data. A "record" may be comprised of letters, numbers, pictures, sounds or symbols.
- H. "Obscene material" is any image or video representation containing material which the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; depicts in a patently offensive way, sexual conduct and taken as a whole, lacks serious literary, artistic, political, or scientific value such as patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, patently offensive representation or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.